REMARKS

Claims 1-25 are currently pending in the subject application and are presently under consideration. A clean version of all pending claims is found at pages 2-6. Claims 17 and 21 have been amended to further emphasize novel aspects of the invention and to place the application in condition for allowance. Favorable consideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I.   Rejection of Claims 1-5, 7-9, 17-19, 21, and 23 Under 35 U.S.C. §103(a)

Claims 1-5, 7-9, 17-19, 21, and 23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Connelly et al. (U.S. 6,594,786) in view of Jarriel et al. (U.S. 6,553,403). It is respectfully submitted that these rejections should be withdrawn for at least the following reasons. The combination of Connelly et al. and Jarriel et al. does not teach or suggest all limitations recited in the subject claims.

> To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) *must teach or suggest all the claim limitations.* See MPEP §706.02(j). The *teaching or suggestion to make the claimed combination* and the reasonable expectation of success *must be found in the prior art and not based on the Applicant's disclosure. See In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). An examiner cannot establish obviousness by locating references which describe various aspects of a patent applicant's invention without also providing evidence of the motivating force which would impel one skilled in the art to do what the patent applicant has done. *Ex parte Levengod*, 28 USPQ2d 1300 (P.T.O.B.A.&I. 1993).

7

The present invention as disclosed and claimed relates to a system and method for monitoring, logging and retrieving event data of a plurality of members forming an entity. Such members may be, for example, computers, servers, or clusters. In accordance with the present invention, event data can be defined at any one member of an entity and dynamically replicated to all members of the entity. Once defined and replicated, the member can monitor and locally store event data. Data within different event types can be mapped to a common data format or schema and then logged into a data store. By way of example, an interface can then request event data from the members *via* an event gathering and coalescing system. The event gathering and coalescing system can request and receive event data from the members based on a requested event type.

As recited in independent claim 1 (and similarly in independent claims 17 and 21), the subject invention provides for a system for monitoring events of a plurality of members configured as an entity, having (i) at least one member of the entity having configurable event logging settings for determining at least one of event types to be monitored; and (ii) each of the plurality of members of the entity having member specific configuration settings wherein *selection of event types in the at least one member is propagated to the member specific configuration settings of each of the plurality of members*. Connelly *et al.* does not teach or suggest such features of applicants' claimed invention.

Applicants' representative respectfully asserts that Connelly *et al.* is a deficient reference as Connelly *et al.* is silent with regard to propagating the selection of event types to members. In the Response to Arguments set forth on page 7 of the subject Final Office Action, the Examiner states that "propagating selection of event types" is not recited in the claims. Applicants' representative respectfully suggests that this statement was merely an oversight. In particular, independent claim 1 (and similarly amended independent claims 17 and 21) recites that *"selection of event types in the at least one member is propagated to the member specific configuration settings of each of the plurality of members."*

The Office Action contends that "[A]s to claim 1, Connelly *et al.* teaches a system

8

for monitoring events of a plurality of members configured as an entity, comprising: at least one member of the entity having event logging settings for event types to be monitored (col. 5, lines 12-20; col.6, lines 22-38; col. 14, lines 7-13)." The Office Action continues by asserting that Connelly *et al.* teaches a system where "each of the plurality of members of the entity having member specific configuration settings wherein event types in the at least one member is propagated to the member specific configuration settings of each of the plurality of members (col. 14, lns. 7-13)." Applicants' representative respectfully disagrees with this assertion.

Connelly *et al.*, fails to teach or suggest the applicants' invention as recited in the subject claims. More particularly, Connelly *et al.* fails to teach or suggest a system that employs an event type selection and propagation system as disclosed and claimed in the subject invention. The subject invention is directed to a system whereby the event types and the event severity types to be logged (or not to be logged) can be defined (*e.g.*, selected) at any one member of the entity. Additionally, this information can be dynamically replicated to all members of the entity. This novel selection propagation aspect of the invention is recited in independent claim 1 (and similarly independent claims 17 and 21) of the subject invention.

In contrast to the subject invention, Connelly *et al.* is simply directed to a fault tolerant availability meter which includes agents for stand-alone computers and each node of a cluster. (*See* Abstract). More particularly, Connelly *et al.* is directed toward a high availability ("HA") meter which simply measures availability of computers. (*See* col. 4, ln. 53-56). In other words, Connelly *et al.* is directed to an availability meter or monitoring system and clearly not to a system capable of *propagating selection of event types to each of a plurality of members* as in the claimed invention. The high availability meter of Connelly *et al.* is simply capable of collecting availability metrics for monitored entities. (*See* col. 5, lns. 6-11).

Contrary to the contention that the cited reference makes obvious the subject invention by disclosing that an HA server contains scripts for launching event monitoring agents (*e.g.*, HA agents) in a cluster – rather, Connelly *et al.* discloses "preferably, the HA agent 20 is automatically installed *via* management scripts provided by the HA server 22." (*See* col. 14, ln. 7-13). Thus, Connelly *et al.* teaches the *installation of agents (e.g.*

9

to monitor the availability of the system) rather than to *propagate the selection of event*

types to each of a plurality of members as recited in the subject claims. Moreover, it is

submitted that Connelly *et al.* is silent with regard to *members of the entity having*

specific configuration settings as recited in the subject claims.

In contrast to Connelly *et al.* and in accordance with the subject invention, the

user does not have to administer (*e.g.*, gain access to each machine) and configure (*e.g.*,

change settings) each machine individually. Thus, time can be saved and errors mitigated.

It is noted that an interface generally does not have to run on each computer in the

system. Full entity operation monitoring can be achieved by interfacing to a single

member, for example. Additionally, with respect to changing settings, selection can be

effected at a single member and propagated throughout the system to each of a plurality

of members as recited in the subject claims. In other words, the subject invention

provides for setting event severity types (*e.g.*, Errors and Warnings, Errors Only,

Warnings Only, Information Only) corresponding to the event types (*e.g.*, Entity events,

Operating System events, Health Monitor events) to be logged in addition to the event

types not to be logged in the global event configurations settings on the controller. Once

selected and set, the invention provides for *propagation of these selected settings* to the

configuration settings of the members.

Although the subject Office Action contends that Connelly *et al.* automatically

installs agents on each system in a cluster, it does not teach or suggest the novel selection

propagation as recited in the claims of the subject invention. Clearly, the subject

invention as disclosed and claimed is not taught or suggested by the cited reference. In

particular, Connelly *et al.* is simply directed to a system to monitor agents (*e.g.*,

computers) in a network and not to a system that provides the selection propagation

novelty as disclosed and claimed in the subject application.

The Office Action concedes that Connelly *et al.* fails to teach at least one member

of the entity having *configurable event logging settings for determining at least one*

event type to be monitored. Jarriel *et al.* is relied upon to provide this missing teaching.

However, Jarriel *et al.* discloses "software agents" available at a central location (*e.g.*,

manager) or at a plurality of locations (*e.g.* the gateways) in a network where

administrative, configuration or other management tasks are specified, configured and/or

deployed. (*See* col. 6, ln. 20-24). In accordance with Jarriel *et al.*, the "software agents" perform or facilitate various network or system management tasks. Jarriel *et al.* merely discloses remote deployment of a software agent within a network but is silent regarding *configurable event logging settings for determining at least one event type to be monitored* as recited in the subject claims.

For at least the foregoing reasons, it is readily apparent that the cited references (alone or in combination) fail to teach or suggest the subject invention as recited in independent claims 1, 17 and 21 (and claims 2-5, 7-9, 18-19 and 23 that respectively depend there from). This rejection should be withdrawn.

II.   Rejection of Claims 10-14, 16, 20, 24, and 25 Under 35 U.S.C. §103(a)

Claims 10-14, 16, 20, 24, and 25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Connelly *et al.* in view of McHann (U.S. 5,991,806). Withdrawal of this rejection is requested for at least the following reasons. The combination of Connelly *et al.* and McHann does not teach or suggest all limitations as recited in the subject claims.

Independent claims 10, 16, 20 and 24 provide for a system for monitoring events on a member having an event monitor system adapted *to receive different event types from an event source and log the different event types into a data store*, the event monitor system further comprising an event mapping component adapted to map data fields of the different event types into common data fields such that the different event types conform to a common event type schema in the data store.

Applicants' representative respectfully submits that, for the reasons noted *supra*, Connelly *et al.* does not teach or suggest *an event monitor system adapted to receive different event types from an event source.* Rather, in Connelly *et al.*, each HA agent simply monitors availability of the system for which it is installed and generates events when changes in system availability or configurations are detected. (*See* col. 6, ln. 31-33). Connelly *et al.* is silent with regard to *an event monitor system adapted to receive different event types from an event source* as recited in independent claim 10 (and likewise claims 16, 20 and 24).

McHann does not cure the deficiencies of Connelly *et al.* – this reference merely

11

teaches dynamic system control of devices in a network *via* messaging in a network management system. McHann suggests a dynamic system controller for receiving messages from subsystems, analyzing the messages and determining an effective utilization of the messages. (*See* col. 1, ln. 66 – col. 2, ln. 3). McHann fails to teach or suggest *an event mapping component adapted to map data fields of the different event types into common data fields such that the different event types conform to a common event type schema in the data store* as recited in the subject claims.

More particularly, the subject invention as disclosed and claimed is directed to an event monitor system that can map different event types into a common data format or schema whereby an interface or other source can retrieve the events in a common format from data stores of each member *via* an event gathering and coalescing system.

McHann is silent with regard to mapping data fields of different event types into common data fields as disclosed and claimed in the subject application. Rather, McHann is directed to a system that simply converts messages into a useful structure. For example, as disclosed in the reference, the dynamic system controller acquires data in a standard form, such as an ASCII code, and compresses and extracts the data into a compact form such as a binary read format. (*See* col. 10, lns. 15-22). McHann is silent with regard to mapping data to conform to a common event type schema in the data store as in applicants' claimed invention.

In view of at least the foregoing comments, it is readily apparent that the cited references fail to teach or suggest applicants' invention as recited in the subject claims; and this rejection should be withdrawn.

III.   Rejection of Claim 15 Under 35 U.S.C. §103(a)

Claim 15 stands rejected under 35 U.S.C. §103(a) as being obvious over Connelly *et al.* in view of McHann, and in further view of Jarriel *et al.* This claim depends from independent claim 10, and withdrawal of this rejection is requested in view of the aforementioned deficiencies of these references regarding claim 10.

09/686,426   MS158532.01 / MSFTP138US

Conclusion

The present application is believed to be in condition for allowance, in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 (Ref. No. MSFT P138US).

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

AMIN & TUROCY, LLP

Himanshu S. Amin
Reg. No. 40,894

AMIN & TUROCY, LLP
24TH Floor, National City Center
1900 E. 9TH Street
Cleveland, Ohio 44114
Telephone (216) 696-8730
Facsimile (216) 696-8731

13